

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SHANE GUAY,

Defendant.

19-CR-103-LJV-HKS

NOTICE OF MOTION

MOTION BY:

Jeffrey T. Bagley, Assistant Federal Public Defender.

DATE, TIME & PLACE:

Before the Honorable H. Kenneth Schroeder, Jr.,
United States Magistrate Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York, **on the papers submitted.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Jeffrey T. Bagley, dated November 19, 2019.

RELIEF REQUESTED:

Adjournment of motion deadline for 60 days.

DATED:

Buffalo, New York, November 19, 2019.

Respectfully submitted,

/s/Jeffrey T. Bagley

Jeffrey T. Bagley
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Counsel for Defendant Shane Guay

TO: Catherine Dagonese
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

19-CR-103-LJV-HKS

v.

AFFIRMATION

SHANE GUAY,

Defendant.

JEFFREY T. BAGLEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Shane Guay.

2. I make this affirmation in support of Mr. Guay's motion to adjourn the motion deadline, currently November 19, 2019, for 60 days.

3. Although this is the fourth requested extension, it is made in good faith and for good cause. I am making this application because a new prosecutor has been assigned to this case as of October 25, 2019. Further, just a few days ago, on November 5, 2019, I received a new packet of discovery materials. Finally, there is evidence that needs to be reviewed at the U.S. Attorney's Office. My Forensic Investigator, Gerald Grant, came from Rochester to view those materials, but despite my efforts, the materials were not available in a format that permitted Mr. Grant to conduct his investigation. This limited Mr. Grant's ability to review the images for forensic information. Mr. Grant has now scheduled another time to view the materials and conduct his investigation.

4. I believe 60 days is necessary because there is likely a wealth of information that will need to be processed during Mr. Grant's review. Indeed, the U.S. Attorney's Office has

requested that the defense provide a 1 terabyte drive to store all this information. (As of March 2014, the entire Library of Congress had about 525 terabytes of data). This, coupled with the discovery received on November 5, 2019 and the inherent setbacks that occur when a new attorney takes over a case, will require at least 60 days.

5. Assistant United States Attorney Catherine Dagonese has no objection to this adjournment.

6. Mr. Guay is currently on pretrial release and no issues have been reported.

7. Should the motion be granted, the defendant agrees that the speedy trial time between the granting of the adjournment and the new pretrial motion deadline is excludable in the interests of justice and for the effective assistance of counsel. These interests outweigh Mr. Guay's interest and that of the public in a speedy trial.

WHEREFORE, it is respectfully requested that the Court grant Mr. Guay's motion for a 60-day adjournment of the motion deadline.

DATED: Buffalo, New York, November 19, 2019.

Respectfully submitted,

/s/Jeffrey T. Bagley

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